

VZCZCXYZ0005
OO RUEHWEB

DE RUEHNE #0095 0201342
ZNR UUUUU ZZH (CCY AD117653 MSI7385-695)
O 201342Z JAN 10
FM AMEMBASSY NEW DELHI
TO RUEHC/SECSTATE WASHDC IMMEDIATE 9182
INFO RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE IMMEDIATE
RUEHBJ/AMEMBASSY BEIJING IMMEDIATE 8188
RUEHLO/AMEMBASSY LONDON IMMEDIATE 7187
RUEHMO/AMEMBASSY MOSCOW IMMEDIATE 3877
RUEHFR/AMEMBASSY PARIS IMMEDIATE 2085
RUEHKO/AMEMBASSY TOKYO IMMEDIATE 6642
RUEHGV/USMISSION GENEVA IMMEDIATE
RUEHUNV/USMISSION UNVIE VIENNA IMMEDIATE 1840
RHEHNSC/NSC WASHDC IMMEDIATE
RHEHAAA/WHITE HOUSE WASHDC IMMEDIATE
RHEBAAA/DEPT OF ENERGY WASHINGTON DC IMMEDIATE

UNCLAS NEW DELHI 000095

SENSITIVE
SIPDIS

C O R R E C T E D COPY CAPTION
ISN FOR RICHARD STRATFORD, L FOR JULIE HERR, DOE FOR RICH
GOOREVICH

E.O. 12958: N/A
TAGS: [KNNP](#) [ENRG](#) [PREL](#) [PARM](#) [IN](#)
SUBJECT: GOI'S RESPONSE ON SECTION 810 ASSURANCES

11. (SBU) The Ministry of External Affairs conveyed the following cover letter and diplomatic note on January 20, 2010 regarding ongoing concerns related to Section 810 assurances.

Begin text of cover letter:

The Ministry of External Affairs presents its complements to the Embassy of the United States of America in New Delhi and with reference to the communication of 4 December 2009 from H.E. Ambassador Timothy J. Roemer, to the National Security Adviser, has the honour to forward the Government of India,s reply regarding assurances pursuant to the "Agreement for Cooperation between the Government of India and the Government of the United States of America Concerning Peaceful Uses of Nuclear Energy."

Complimentary Close.

End Text of cover letter.

Begin Text of Diplomatic Note:

"Agreement for Cooperation between the Government of India and the Government of the United States of America Concerning the Peaceful Uses of Nuclear Energy", - Assurances by the Government of India to the Government of the United States of America on Nuclear Technology Transfers

11. With reference to US Ambassador's letter dated 4th December 2009 addressed to the National Security Adviser regarding the Government of India's assurances pursuant to the "Agreement for Cooperation between the Government of India and the Government of the United States of America Concerning Peaceful Uses of Nuclear Energy", the attention of the US Government is drawn to the following:

12. The names of the US and Indian companies to be covered by the assurances: In the Note Verbale dated 19th November 2009, the Government of India has provided assurances with respect to the Nuclear Power Corporation of India Limited (NPCIL). NPCIL had sought from the Government of India, concurrence for moving ahead with its dialogue with both GE-Hitachi Nuclear Energy (GEH) and Westinghouse Electric Company LLC on the basis of the Agreement for Cooperation between the

Government of India and the Government of the United States of America Concerning Peaceful Uses of Nuclear Energy,. These assurances have been provided with regard to transfers of information and technology by GEH and Westinghouse to NPCIL.

¶3. The relationship of these assurances to the India-US Civil Nuclear Cooperation Agreement: Cooperation between India and the US is pursuant to the "Agreement for Cooperation between the Government of India and the Government of United States of America Concerning the Peaceful Uses of Nuclear Energy" hereinafter referred to as the Bilateral Agreement. Article 2.3 of the Bilateral Agreement details the procedure for transfer of items including information Steps outlined in paragraph 3 of the assurances conveyed through the Note Verbale of 19th November 2009 are required to be completed before the assurances given in paragraph 4 become effective.

¶4. The Bilateral Agreement provides the basis for transfer of information and technology and such transfer has to take place as per the provisions of the Bilateral Agreement.

¶5. The two US companies mentioned above would be expected to transfer information and technology to NPCIL as part of their arrangements for cooperation. These US companies will not be directly transferring any information and details of technology to Atomic Energy Regulatory Board (AERB) or the Department of Atomic Energy (DAE) or other governmental agencies However, NPCIL, in accordance with prevailing laws and regulations in India, may be required to communicate information and details of technology to Government of India, with respect to its cooperation activities with the US companies on the basis of the Bilateral Agreement, and this information and technology is subject to appropriate and adequate protection by the receiving government authorities.
End Text of Diplomatic Note.

ROEMER